



## LITIGATION SECTION

THE STATE BAR OF CALIFORNIA

October 8, 2002

Hon. James D. Ward  
Vice Chair, Judicial Council Task Force on Jury Instructions  
California Court of Appeal, Fourth Appellate District  
3389 Twelfth Street  
Riverside, CA 92501

Dear Justice Ward:

On behalf of the Litigation Section of the State Bar, we submit the attached Report that contains comments on the Third Set of Civil Jury Instructions prepared by the California Judicial Council's Task Force on Jury Instructions.

As you know, last year we provided our comments on your Task Force's Second Release. This year the Committee on Jury Instructions was composed of essentially the same group of lawyers. We again have attempted to provide the views of experienced litigators who bring different perspectives from different practice areas, backgrounds, and points of view. We have attempted to achieve a balance between the perspective of plaintiffs and that of defendants. We again organized ourselves into subgroups based upon individual interests and expertise, and then discussed the proposed comments as a committee. Further discussion occurred at a recent meeting of the Executive Committee of the Litigation Section, which has approved the comments.

Once again, the members of the Committee on Jury Instructions enthusiastically endorse and encourage the work of the Task Force. We believe that the Task Force's proposed jury instructions are a significant improvement over earlier sets of standard jury instructions, including the BAJI jury instructions that are commonly used in California today.

Although the attached Report addresses most sections of the Third Release, it does not address all sections. We were simply unable to address all sections during the comment period.


Similar to our Report on the Second Release, the comments in this Report are not as extensive as the length of the report might make them appear. The length of the Report results primarily from our decision to repeat the full jury instruction and the related sources and use notes to provide context for our comments.

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The comments typically are suggestions that the Task Force consider or re-consider particular portions of the jury instructions. The comments do not necessarily reflect the fixed views of the members of the Committee on Jury Instructions or of the Litigation Section Executive Committee.

On behalf of the Committee on Jury Instructions, we again applaud the difficult, but exciting work of the entire Task Force and its staff attorneys. The Task Force's work, in our view, provides a substantial service not only to the bar, the bench, and future California jurors, but also to the general public which often is affected in many indirect, but substantial ways, by verdicts rendered by California juries. The clarity and accuracy of jury instructions are key components in our judicial system's ability to resolve disputes fairly.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard L. Seabolt". The signature is fluid and cursive, with the first name "Richard" and last name "Seabolt" clearly legible.

Richard L. Seabolt

RLS:bc

cc: Curtis D. Parvin, Litigation Section Chair  
Executive Committee of the Litigation Section  
Committee on Jury Instructions (list attached)

Lyn Hinegardner, Esq.  
Administrative Office of the Courts  
Office of the General Counsel